

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY BOARD POLICY AND PROCEDURE REVIEW SUBCOMMITTEE

*Dr. William Kass - Chair*

*Tara Armijo-Prewitt*

*Eric Olivas*

Edward Harness, CPOA Executive Director

**Thursday, January 7, 2021 at 4:30 p.m.  
By Video Conference**

**Members Present:**

Dr. William Kass

Eric Olivas

**Members Absent:**

Tara Armijo-Prewitt

**Others Present**

Ed Harness, CPOA

Katrina Sigala, CPOA

Valerie Barela, CPOA

Ali Abbasi, CPOA

Deputy Commander Sean Waite, APD

Patricia Serna, APD

### **Minutes**

**I. Welcome and Call to Order:** Chair Dr. Kass called to the order the Policy and Procedure Review Subcommittee meeting at 4:32 p.m.

**II. Approval of the Agenda**

a. Agenda approved

**III. Approval of the Minutes from December 3, 2020**

a. December 3, 2020 Minutes approved

**IV. Discussion Items**

**a. Policies reviewed at OPA/PPRB**

1. Chair Dr. Kass reported on the recent SOP's presented at OPA and PPRB.

**b. PPRB Policies in 30-day Recommendation Period**

1. **SOP 1-28 Down Town Unit**

2. **SOP 2-47 Crashes Involving Police Vehicles**

i. Chair Dr. Kass announced SOP's that were discussed at the PPRB meeting held on December 16, 2020.

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- ii. Member Olivas's presented his recommendation on SOP 1-28 and plans to invite an APD representative from the Down Town Unit to attend the next regular scheduled subcommittee meeting.
  - iii. Policy and Procedure subcommittee did not have any recommendation for SOP 2-47 at this time.
- c. **SOP 1-64 K-9 Unit/SOP 2-23 Use of Canine (K-9) Unit** *(see attached)*
1. Policy and Procedure subcommittee discussed SOP 1-64 K-9 Unit and plan to invite an APD representative from the K-9 Unit for further discussions at the next regular scheduled subcommittee meeting.
  2. CPOA Data Analyst, Ali Abbasi presented his questions and concerns related to SOP 1-64.

**V. Follow-up**

**a. Update on SOP 3-52 Policy Development Process**

1. APD Deputy Commander Sean Waite provided a status update that the SOP 3-52 policy development process meeting was canceled and stated APD is actively working with City Legal on the policy. The meeting will commence within the next two weeks to review.
2. The subcommittee discussed SOP 3-52 and expressed interest in evaluating the effectiveness and incorporating it into APD policies.
3. CPOA Data Analyst, Ali Abbasi forwarded his policy recommendation information on SOP 3-52 to APD Deputy Commander Sean Waites via email.

**b. CPOA Board Recommended CASA Changes**

1. Chair Dr. Kass stated he did not receive any feedback from CPOA Board members and the subcommittee recommends to withdraw this agenda item.

**c. SOP 3-20 Overtime Policy Recommendations**

1. Patricia Serna, APD provided a status update on SOP 3-20 and the subcommittee will continue to work on the policy.

**VI. Other business**

- a. None

**VII. Next meeting February 4, 2021 at 4:30 p.m.**

**VIII. Adjournment**

- a. The meeting adjourned at 5:38 p.m.

DRAFT

**Attachments**

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## 1-64 K-9 Unit

### Related SOP(s):

- [2-3 Firearms and Ammunition Authorization](#)
- [2-8 Use of On-Body Recording Devices](#)
- [2-52 Use of Force](#)
- [3-33 Early Intervention and Recognition System \(EIRS\)](#)

### 1-64-1 Purpose

The purpose of this policy is to provide procedures for the proper use of Police Service Dogs (PSD) in locating and apprehending specific criminal suspects, protecting the K-9 handler, conducting article searches, and tracking and wind scenting individuals.

### 1-64-2 Policy

It is the policy of the Department to use PSD to assist in locating and apprehending specific criminal suspects, to protect the K-9 handler, to track and wind scent individuals, and to conduct article searches.

### 1-64-3 Definitions

#### A. Apprehension

Any occasion when a PSD is deployed and plays a clear and well-documented role in apprehending a suspect or individual. In order to play a clear and documented role, a handler must articulate the PSD role, such as being the subject of warnings, following bark commands, performing a search, or the suspect stating that the PSD influenced their decision to submit to arrest.

#### B. Accidental Bite

Any occurrence when the PSD bites an unintended person. An accidental bite is not considered for purposes of calculating the bite ratio of a handler/unit.

#### C. Bite

A skin puncture or tear caused by the teeth of a PSD.

#### D. Bite Apprehension

Any apprehension where a bite did occur.

#### E. Bite Ratios

Calculation of the number of bite apprehensions divided by the total number of



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apprehensions for a given time period. For the purpose of this calculation, PSD bites will not include accidental or directed bites.

F. PSD Caused Injury

Any injury caused by a PSD that is not a bite. This includes knocking a person down, scratching, and/or causing abrasions.

G. Deployment

Any situation, except an on-leash article search, where a PSD is brought to the scene and is used in an attempt to locate or apprehend a suspect, whether or not a suspect is located or apprehended.

H. Directed Bite

When a handler directs a PSD to bite a visually identified individual. A directed bite will be investigated as a use of force. If a bite occurs, this investigation will be conducted as a serious use of force investigation.

I. Handler

A certified K-9 Unit handler assigned to a particular PSD who deploys with that PSD and is responsible for the PSD's 24-7 care.

J. Police Service Dogs

PSD assigned to the K-9 Unit after meeting the selection standards and certification requirements as established by the Department's Tactical Section – K-9 Unit.

K. Search

When a PSD is deployed into a search area or structure, commercial or residential, to look for and find a specific suspect of a specific crime, or is utilized to ensure that the area/structure is clear of any criminal suspect who may be hiding from law enforcement or evading capture.

**1-64-4 Rules and Responsibilities**

A. Use of the PSD as a Force Option

1. Any time an officer within the K-9 Unit is required to use force, the force used will be in accordance with Department SOP – Use of Force General, all applicable laws, and the United States Constitution.
2. Use of the PSD as a tactic may range from the simple presence of the PSD to a



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less lethal force option. A handler may not deploy his or her PSD merely because it is an available option. As a use of force option, the deployment of a PSD must be objectively reasonable given the facts and circumstances confronting the handler and consistent with SOP – Use of Force – General. A handler using a PSD as a use of force must use the minimum amount of force that is reasonable, necessary, and proportional based on the totality of the circumstances confronting the officer in order to bring about a lawful objective. Handlers should consider the reasonableness of other use-of-force options before deploying the PSD. Based upon the totality of the circumstances, the handler will have the discretion of deploying the PSD with or without a muzzle or on or off-lead. Before deploying the PSD, the handler must evaluate the following factors, taking into consideration the safety of civilians, officers, and the suspect or individual:

- a. The severity of the crime(s) at issue;
  - b. Whether the suspect poses an immediate threat to the safety of the officers or others;
  - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight; and
  - d. All other factors that must be considered pursuant to SOP – Use of Force – General.
3. It is the policy of the Department to allow the deployment of PSDs in the following circumstances:
- a. To apprehend violent felony individuals;
  - b. To apprehend individuals who pose an immediate threat to the safety of the officers or others;
  - c. For officer safety, to conduct searches for felony individuals where the individual has concealed themselves from law enforcement; and
  - d. To locate a misdemeanor individual where the K-9 Unit Sergeant has approved a search with a muzzled PSD.
4. PSDs should not be deployed against an individual known by the officers to be pregnant, less than fourteen (14) years old, or over seventy (70) years old unless the officers can articulate exceptional circumstances justifying the deployment.
5. Violating this policy will subject the handler to disciplinary action.

B. Warnings

1. When a PSD is used to locate an individual, the handler will give three loud and clear verbal warnings before releasing the PSD. If officers believe the individual may be Spanish-speaking, they will make reasonable attempts to provide the warning in Spanish as well. The warning will give notice that the handler will release a PSD and that the PSD will probably bite the suspect.
2. Under certain circumstances, a warning or multiple warnings may be dangerous or



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futile. Thus, a handler is not required to give a warning prior to a PSD deployment if a difficult or dangerous situation develops so quickly that the handler has no reasonable time or opportunity to do so. When a warning is not given in this circumstance, the handler shall document the specific facts in his or her written report to explain the omission.

C. Operational Control and Conflict of Orders

1. The K-9 Unit Sergeant will assume operational control of any situation requiring deployment of the PSDs, unless the purpose of the deployment is to safely search and clear a building the handler believes is empty, in which case a supervisor is not required. In the absence of the K-9 Unit Sergeant, a Tactical Section Supervisor will be contacted to assume control.
2. If the K-9 Unit Sergeant is not present and another supervisor asks a handler to deploy his PSD in a manner the handler believes is inappropriate, the handler will explain the concerns to the supervisor. If the supervisor allows the order to stand, the handler will do his best to comply with the order. The supervisor issuing the order assumes responsibility for the decision. The handler and supervisor will each complete a supplemental report detailing this discussion and decision.
3. However, under no circumstance will a handler comply with an illegal order or one that violates the civil rights of any individual, particularly prohibitions against excessive force.
4. If a handler is participating in a full tactical activation, the Tactical Commander or designee will have the authority to deploy a PSD.

D. Documentation of Injuries Resulting from Use of a PSD

1. Personnel shall immediately report any bite or PSD-caused injury to an individual or officer to the K-9 Unit Sergeant. The K-9 Unit Sergeant will respond to the scene, conduct an initial post-apprehension deployment investigation, and provide necessary information to the Internal Affairs Force Division (IAFD) for consideration in their investigation of the incident.
2. A bite by a PSD is considered a use of force and shall be investigated by the K-9 Sergeant and the IAFD. An accidental bite shall not be considered a use of force. The investigation of an accidental bite shall be conducted by the K-9 Sergeant.
3. Whenever an individual sustains a PSD bite, the handler or K-9 Sergeant shall immediately contact a Department dispatcher to request Emergency Medical Services (EMS) response. If EMS determines that additional medical attention is required, the individual shall be transported to a medical facility for treatment.

E. K-9 Unit Equipment





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1. Handlers will maintain all equipment issued by the K-9 Unit, including on-body recording devices (OBRD) for officers. Equipment that requires repair will be reported as soon as practicable to the K-9 Unit Sergeant.
2. Specialized weapons issued to handlers shall be carried at all times. Handlers shall be qualified in their use in accordance with SWAT Unit requirements as set forth in SOP - Specialized Tactical Units and in accordance with Department standards set forth in SOP - Firearms and Ammunition Authorization.

F. Training and Handler Team Certifications

1. Training will be conducted by the K-9 Unit weekly.
2. All training will be conducted in accordance with the guidelines, training practices, and safety measures of the approved Department trainer and/or K-9 Sergeant.
3. The K-9 Unit Sergeant will be responsible for coordinating proper training for each handler and PSD.
4. The K-9 Unit will contract with a professional trainer regarding selection and training of PSDs. The K-9 Unit's professional trainer will guide the teams to their highest level of ability.
  - a. The professional trainer will evaluate each PSD to determine any performance concerns. The trainer will make any training and performance recommendations to the K-9 Unit Sergeant.
  - b. Job duties for the contract professional trainer will be determined by the Tactical Section Commander.
5. Handlers will follow the training directives from the Department trainer and the K-9 Unit Sergeant.
6. All handler/PSD teams shall be certified through the professional trainer. All teams will also complete a secondary certification process.
7. All handlers will assure their PSDs comply with the standards of training set forth in this policy and standards recommended by the professional trainer.
  - a. If for any reason a PSD does not meet the expected standards articulated by the K-9 Unit, the handler must immediately notify the K-9 Unit Sergeant.
  - b. The K-9 Unit Sergeant, together with the Department trainer and professional trainer, will evaluate any deficiencies and determine if the PSD will remain in service while the deficiency is being corrected or be removed from service until the deficiency is corrected.

G. Records



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1. The K-9 Unit will track and record performance measures of both the handler and the PSD. In addition, deployments will be specifically tracked and archived within other specialized units, as noted below.
  - a. All K-9 deployments will be recorded and archived within the Tactical Section and Internal Affairs Professional Standards (IAPS).
  - b. PSD medical records will be recorded and archived with the contracted unit veterinarian.
  - c. Monthly in-service training and certifications will be recorded and archived with the contracted professional trainer. Copies of in-service training and certifications will also be archived with the K-9 Sergeant.
  - d. Handlers will archive all PSD training, as well as copies of deployment reports resulting in bites and certifications presented to the handler and/or PSD.
  - e. All K-9 deployments resulting in a bite apprehension will be presented to the Force Review Board (FRB) and analyzed to identify potential needs for revision to training, policy, equipment, tactics, and supervision. Accidental bites shall not be presented to the FRB.

#### H. Maintenance of the PSD

1. The eighth hour of each eight-hour shift or the last hour and fifteen minutes of a ten-hour shift will be reserved for PSD and equipment upkeep. This reserved time will apply to every working shift, training day, or all types of leave. These guidelines assume that the PSD's assigned handler is caring for the PSD, not another handler or boarder. The total allotted time for this maintenance will not exceed five hours in a pay period week or forty-three minutes per day in a seven-day period. This time will be allotted for the daily upkeep of the PSD and will include the handler's regular days off. This time may also be used for picking up dog food and routine visits to the veterinarian.
  - a. No compensation beyond the time allowed will be authorized, unless approved in advance by the K-9 Unit Sergeant.
2. The K-9 Unit Sergeant and the contracted veterinarian will instruct handlers on proper methods of PSD health. Twice a year the contracted veterinarian will examine all PSDs to ensure their state of health and to give them their annual shots.
  - a. If the PSD shows signs of illness, the handler will call the contracted veterinarian or take the PSD to the contracted veterinarian as soon as practicable.
  - b. If the PSD is injured, the PSD will be treated as soon as possible, either by the contracted veterinarian or at the Emergency Animal Clinic.
  - c. In either case, the K-9 Unit Sergeant will be notified immediately.

#### I. Working Hours



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1. Handlers will normally work an eight- or ten-hour shift. The Tactical Section Commander will determine hours and days off.
  - a. Handlers are expected to be available for duty at all times should the need arise.
  - b. Hours of assignment, vacation, and days off will be determined by the needs for service and support.
2. Handlers are also subject to SWAT Unit call outs.

J. Call-Outs

1. Responding to call outs will be one of the handlers' responsibilities. Handlers will be subject to call out on a twenty-four hour, 365 day basis.
  - a. The K-9 Unit on-call schedule will be issued every other month; it will identify primary and secondary on-call teams. The schedule will be modified by the K-9 Unit Sergeant only as needed to accommodate unforeseen schedule changes and overtime issues. The Tactical Commander will receive a copy of the K-9 Unit on-call schedule.
  - b. The Communications Supervisor will call the primary handler when a Sergeant or higher ranking officer requests K-9 assistance.
  - c. The K-9 Unit Sergeant or designee must approve all requests for mutual aid and any special requests. When deploying for mutual aid requests, Department policies, procedures, and guidelines for using the PSD and use of force will be followed by the handler, not those of the non-Department agency.
2. The K-9 Unit Sergeant or designee will be notified of all incidents involving a barricaded subject, area searches, or large-scale searches that require more than the primary and secondary K-9 teams. The K-9 Unit Sergeant or designee will also be contacted regarding requests from supervisors of specialized units and requests from any non-Department agency.

K. Vacations

1. Vacations will be contingent upon the needs of the Department and the Tactical Section.
2. Before going on vacation or other extended leave, the handler will explain to the K-9 Unit Sergeant how the PSD will be properly fed and safely cared for while the Handler will be on vacation.

L. SWAT Unit Assistance

1. Officers assigned to the K-9 Unit will also be considered SWAT officers. As such, they will be expected to abide by SOP – Specialized Tactical Units. They will be held to all SWAT Team standards, as explained in the SOP. Failure to comply with



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these standards may result in the officer's removal from the K-9 Unit.

M. General Rules for the K-9 Unit

1. Handlers are responsible for the actions of their PSDs, both on and off leash and at all times.
2. Handlers will not discipline their PSDs in public view.
3. Cruel actions toward the PSDs will not be tolerated and are grounds for disciplinary action.
4. When a handler leaves his or her police unit while the PSD is inside, he or she will ensure the PSD has proper ventilation for the given weather conditions and that the unit is properly secured.
5. Requests for PSD demonstrations or exhibitions will be managed by the K-9 Unit Sergeant.
6. Prior to giving the PSD a "break," the handler will make sure there are no civilians in the immediate area. If conditions do not permit, the handler will keep the PSD on leash during the "break."
7. All K-9 handlers will wear the Department-approved fatigue uniform as their normal duty uniform.
8. PSDs will not be deployed for crowd control

N. Bite Ratios

1. K-9 Officers will track and calculate bite ratios on a monthly basis. Members of the K-9 Unit will provide monthly reports to the IAPS documenting activity and bite ratios. These monthly reports will be forwarded to the K-9 Unit Sergeant for review and aggregated into unit monthly and annual reports. The K-9 Unit Sergeant will review monthly reports to ensure accuracy.
2. Each handler's bite ratio will be reviewed by considering activity of the previous six months. If any handler's bite ratio exceeds twenty (20) percent for the preceding six-month period it will be included as an indicator in the PEMS for that handler and will be reviewed by that handler's supervisor. If the entire Unit's bite ratio exceeds that threshold, a meeting with the Division Commander, Tactical Lieutenant, and K-9 Sergeant will take place. They will determine why the 20% threshold was exceeded and document the review.

O. Annual Retention Review

1. All K-9 Unit Members will be subject to an annual review to ensure they are